

<b>Interview Summary</b>	<b>Application No.</b> 10/790,363	<b>Applicant(s)</b> MCDERMOTT ET AL.	
	<b>Examiner</b> Tuan T Dinh	<b>Art Unit</b> 2841	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Tuan T Dinh. (3) Peter Trzyna.  
 (2) Kammie Cuneo. (4) \_\_\_\_\_.

Date of Interview: 12 January 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: \_\_\_\_\_.

Identification of prior art discussed: \_\_\_\_\_.


Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: SPE, Ms.Cuneo discussed the restriction with Mr. Trzyna confirmed his election of the product claims with traverse. He then argued the species requirement, stating that figures 3-6 were just the base and not claimed. He noted that the claimed subject matter was illustrated in figures 1 and 11. Cuneo and Mr. Trzyna discussed this at length, Cuneo explaining that all the subject matter need not be claimed and that the species requirement is based on the embodiments that are presented in the specification. She pointed out that the spec at page 10 states that any of the configurations of figures 3-6 can be used as a base and then steps 2+ are performed on any one of these starting configurations. Mr. Trzyna stated that the invention was in figure 1 and the junction between the metal and the dielectric and it did not matter what base we started with. Cuneo confirmed that she took that statement to mean that starting with the different bases of figures 3-6 would not constitute patentably different species. Mr. Trzyna agreed. For this reason, Cuneo and Examiner Dinh are withdrawing the requirement for election and the claims are subject to the restriction requirement separating the method and product claims. Cuneo noted to Mr. Trzyna that she would complete an interview summary and send it with the first action on the merits..